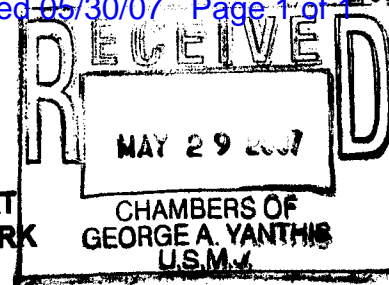


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD MOYNIHAN,

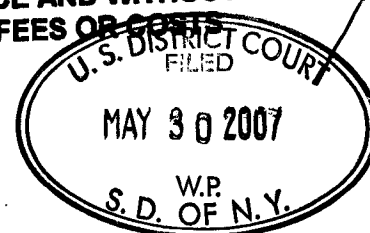
Plaintiff,

vs.

GREAT-WEST LIFE & ANNUITY
INSURANCE COMPANY,

Defendants.

Civil Action No. 07-cv-0234 (WP4)

STIPULATION AND ORDER OF DISMISSAL
WITH PREJUDICE AND WITHOUT
ATTORNEYS' FEES OR COSTS

It is hereby stipulated and agreed by and between the parties that pursuant to Fed. R. Civ. P. 41(a)(1), this action be and is hereby dismissed with prejudice and without attorney's fees or costs against either party.

Rucci Burnham Carta Carello & Reilly, LLP
Attorneys for Plaintiff
Richard MoynihanFisher & Phillips, LLP
Attorneys for Defendant
Great-West Life & Annuity
Insurance Company

By:

Stephen P. Horner

Dated:

5/22/07

By:

Kathleen McLeod Caminiti (KC2736)

Dated:

5/22/07

SO ORDERED:

Dated: May 30, 2007

White Plains, NY

GEORGE A. YANTHIS, U.S.M.J.

U.S.D.J.

MICROFILM

MAY 30 2007

USDC SD NY WP

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